

Lord God, Founders of this Nation destined for greatness called upon Your Divine Providence to guide their efforts to establish freedom under the governance of law.

In our own day, we call upon Your Holy Name for the divine light of truth and wisdom.

Heal our wounds, protect us from evil, forgive our sins, and rebuild the walls of justice and integrity that identify Your goodness in the Nation.

May this end time of this session of Congress as well as the approaching celebration of holidays and holy days bring joy and peace to this Nation and allow the world to witness anew the advent prophesied by Isaiah: "Open the gates to let a righteous nation in, a nation that keeps faith."

For this we long and pray both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from American Samoa (Mr. FALEOMAVAEGA) come forward and lead the House in the Pledge of Allegiance.

Mr. FALEOMAVAEGA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

BELIEF UNDER SIEGE IN BRITAIN

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the freedom of religion is under attack in Great Britain.

Last week British news reported that the daughter of a British Imam, we will call her Hannah, is living under police protection after receiving death threats from her father and brother because she converted to Christianity.

Hannah was born in Britain to immigrant Pakistani parents. She renounced the Muslim faith when she was a teenager and has been in hiding for over 10 years.

After multiple death threats and an attempt on her life by 40 men, led by her father, brandishing axes, hammers, and knives, Hannah has sought protection from the British Government.

According to her, her father believes that the Koran teaches that anyone who walks away from Islam should be killed. Well, murder is bad enough, but murder in the name of religion is worse, and it's legal, at least in a free state where all religions are to be tolerated, even Christianity.

Democracy values the freedom of other people's faith; it does not restrict

it. That is the difference in a democracy and a government that is controlled by a religion.

And that's just the way it is.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

NORTHERN MARIANA ISLANDS COVENANT IMPLEMENTATION ACT

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3079) to amend the Joint Resolution Approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—NORTHERN MARIANA ISLANDS IMMIGRATION, SECURITY, AND LABOR ACT

SECTION 101. SHORT TITLE.

This title may be cited as the "Northern Mariana Islands Immigration, Security, and Labor Act".

SEC. 102. STATEMENT OF CONGRESSIONAL INTENT.

(a) IMMIGRATION AND GROWTH.—In recognition of the need to ensure uniform adherence to long-standing fundamental immigration policies of the United States, it is the intention of the Congress in enacting this title—

(1) to ensure that effective border control procedures are implemented and observed, and that national security and homeland security issues are properly addressed, by extending the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))), to apply to the Commonwealth of the Northern Mariana Islands (referred to in this title as the "Commonwealth"), with special provisions to allow for—

(A) the orderly phasing-out of the non-resident contract worker program of the Commonwealth; and

(B) the orderly phasing-in of Federal responsibilities over immigration in the Commonwealth; and

(2) to minimize, to the greatest extent practicable, potential adverse economic and fiscal effects of phasing-out the Commonwealth's nonresident contract worker program and to maximize the Commonwealth's potential for future economic and business growth by—

(A) encouraging diversification and growth of the economy of the Commonwealth in accordance with fundamental values underlying Federal immigration policy;

(B) recognizing local self-government, as provided for in the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America through consultation with the Governor of the Commonwealth;

(C) assisting the Commonwealth in achieving a progressively higher standard of living for citizens of the Commonwealth through the provision of technical and other assistance;

(D) providing opportunities for individuals authorized to work in the United States, including citizens of the freely associated states; and

(E) providing a mechanism for the continued use of alien workers, to the extent those workers continue to be necessary to supplement the Commonwealth's resident workforce, and to protect those workers from the potential for abuse and exploitation.

(b) AVOIDING ADVERSE EFFECTS.—In recognition of the Commonwealth's unique economic circumstances, history, and geographical location, it is the intent of the Congress that the Commonwealth be given as much flexibility as possible in maintaining existing businesses and other revenue sources, and developing new economic opportunities, consistent with the mandates of this title. This title, and the amendments made by this title, should be implemented wherever possible to expand tourism and economic development in the Commonwealth, including aiding prospective tourists in gaining access to the Commonwealth's memorials, beaches, parks, dive sites, and other points of interest.

SEC. 103. IMMIGRATION REFORM FOR THE COMMONWEALTH.

(a) AMENDMENT TO JOINT RESOLUTION APPROVING COVENANT ESTABLISHING COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—The Joint Resolution entitled "A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes", approved March 24, 1976 (Public Law 94-241; 90 Stat. 263), is amended by adding at the end the following new section:

"SEC. 6. IMMIGRATION AND TRANSITION.

"(a) APPLICATION OF THE IMMIGRATION AND NATIONALITY ACT AND ESTABLISHMENT OF A TRANSITION PROGRAM.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), effective on the first day of the first full month commencing 1 year after the date of the enactment of the Northern Mariana Islands Immigration, Security, and Labor Act (hereafter referred to as the 'transition program effective date'), the provisions of the 'immigration laws' (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) shall apply to the Commonwealth of the Northern Mariana Islands (referred to in this section as the 'Commonwealth'), except as otherwise provided in this section.

"(2) TRANSITION PERIOD.—There shall be a transition period beginning on the transition program effective date and ending on December 31, 2013, except as provided in subsections (b) and (d), during which the Secretary of Homeland Security, in consultation with the Secretary of State, the Attorney General, the Secretary of Labor, and the Secretary of the Interior, shall establish, administer, and enforce a transition program to regulate immigration to the Commonwealth, as provided in this section (hereafter referred to as the 'transition program').

"(3) DELAY OF COMMENCEMENT OF TRANSITION PERIOD.—

"(A) IN GENERAL.—The Secretary of Homeland Security, in the Secretary's sole discretion, in consultation with the Secretary of the Interior, the Secretary of Labor, the Secretary of State, the Attorney General, and the Governor of the Commonwealth, may determine that the transition program effective date be delayed for a period not to exceed more than 180 days after such date.

“(B) CONGRESSIONAL NOTIFICATION.—The Secretary of Homeland Security shall notify the Congress of a determination under subparagraph (A) not later than 30 days prior to the transition program effective date.

“(C) CONGRESSIONAL REVIEW.—A delay of the transition program effective date shall not take effect until 30 days after the date on which the notification under subparagraph (B) is made.

“(4) REQUIREMENT FOR REGULATIONS.—The transition program shall be implemented pursuant to regulations to be promulgated, as appropriate, by the head of each agency or department of the United States having responsibilities under the transition program.

“(5) INTERAGENCY AGREEMENTS.—The Secretary of Homeland Security, the Secretary of State, the Secretary of Labor, and the Secretary of the Interior shall negotiate and implement agreements among their agencies to identify and assign their respective duties so as to ensure timely and proper implementation of the provisions of this section. The agreements should address, at a minimum, procedures to ensure that Commonwealth employers have access to adequate labor, and that tourists, students, retirees, and other visitors have access to the Commonwealth without unnecessary delay or impediment. The agreements may also allocate funding between the respective agencies tasked with various responsibilities under this section.

“(6) CERTAIN EDUCATION FUNDING.—In addition to fees charged pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) to recover the full costs of providing adjudication services, the Secretary of Homeland Security shall charge an annual supplemental fee of \$150 per nonimmigrant worker to each prospective employer who is issued a permit under subsection (d) of this section during the transition period. Such supplemental fee shall be paid into the Treasury of the Commonwealth government for the purpose of funding ongoing vocational educational curricula and program development by Commonwealth educational entities.

“(7) ASYLUM.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) shall not apply during the transition period to persons physically present in the Commonwealth or arriving in the Commonwealth (whether or not at a designated port of arrival), including persons brought to the Commonwealth after having been interdicted in international or United States waters.

“(b) NUMERICAL LIMITATIONS FOR NON-IMMIGRANT WORKERS.—An alien, if otherwise qualified, may seek admission to Guam or to the Commonwealth during the transition program as a nonimmigrant worker under section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) without counting against the numerical limitations set forth in section 214(g) of such Act (8 U.S.C. 1184(g)). This subsection does not apply to any employment to be performed outside of Guam or the Commonwealth. Not later than 3 years following the transition program effective date, the Secretary of Homeland Security shall issue a report to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives projecting the number of asylum claims the Secretary anticipates following the termination of the transition period, the efforts the Secretary has made to ensure appropriate interdiction efforts, provide for appropriate treatment of asylum seekers, and prepare to accept and adjudicate asylum claims in the Commonwealth.

“(c) NONIMMIGRANT INVESTOR VISAS.—

“(1) IN GENERAL.—Notwithstanding the treaty requirements in section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), during the transition period, the Secretary of Homeland Security may, upon the application of an alien, classify an alien as a CNMI-only nonimmigrant under section 101(a)(15)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)(ii)) if the alien—

“(A) has been admitted to the Commonwealth in long-term investor status under the immigration laws of the Commonwealth before the transition program effective date;

“(B) has continuously maintained residence in the Commonwealth under long-term investor status;

“(C) is otherwise admissible; and

“(D) maintains the investment or investments that formed the basis for such long-term investor status.

“(2) REQUIREMENT FOR REGULATIONS.—Not later than 60 days before the transition program effective date, the Secretary of Homeland Security shall publish regulations in the Federal Register to implement this subsection.

“(d) SPECIAL PROVISION TO ENSURE ADEQUATE EMPLOYMENT; COMMONWEALTH ONLY TRANSITIONAL WORKERS.—An alien who is seeking to enter the Commonwealth as a nonimmigrant worker may be admitted to perform work during the transition period subject to the following requirements:

“(1) Such an alien shall be treated as a nonimmigrant described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), including the ability to apply, if otherwise eligible, for a change of nonimmigrant classification under section 248 of such Act (8 U.S.C. 1258) or adjustment of status under this section and section 245 of such Act (8 U.S.C. 1255).

“(2) The Secretary of Homeland Security shall establish, administer, and enforce a system for allocating and determining the number, terms, and conditions of permits to be issued to prospective employers for each such nonimmigrant worker described in this subsection who would not otherwise be eligible for admission under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.). In adopting and enforcing this system, the Secretary shall also consider, in good faith and not later than 30 days after receipt by the Secretary, any comments and advice submitted by the Governor of the Commonwealth. This system shall provide for a reduction in the allocation of permits for such workers on an annual basis, to zero, during a period not to extend beyond December 31, 2013, unless extended pursuant to paragraph 5 of this subsection, and shall take into account the number of petitions granted under subsection (1). In no event shall a permit be valid beyond the expiration of the transition period. This system may be based on any reasonable method and criteria determined by the Secretary of Homeland Security to promote the maximum use of, and to prevent adverse effects on wages and working conditions of, workers authorized to be employed in the United States, including lawfully admissible freely associated state citizen labor. No alien shall be granted nonimmigrant classification or a visa under this subsection unless the permit requirements established under this paragraph have been met.

“(3) The Secretary of Homeland Security shall set the conditions for admission of such an alien under the transition program, and the Secretary of State shall authorize the issuance of nonimmigrant visas for such an alien. Such a visa shall not be valid for admission to the United States, as defined in section 101(a)(38) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(38)), except admission to the Commonwealth. An alien ad-

mitted to the Commonwealth on the basis of such a visa shall be permitted to engage in employment only as authorized pursuant to the transition program.

“(4) Such an alien shall be permitted to transfer between employers in the Commonwealth during the period of such alien's authorized stay therein, without permission of the employee's current or prior employer, within the alien's occupational category or another occupational category the Secretary of Homeland Security has found requires alien workers to supplement the resident workforce.

“(5)(A) Not later than 180 days prior to the expiration of the transition period, or any extension thereof, the Secretary of Labor, in consultation with the Secretary of Homeland Security, the Secretary of the Interior, and the Governor of the Commonwealth, shall ascertain the current and anticipated labor needs of the Commonwealth and determine whether an extension of up to 5 years of the provisions of this subsection is necessary to ensure an adequate number of workers will be available for legitimate businesses in the Commonwealth. For the purpose of this subparagraph, a business shall not be considered legitimate if it engages directly or indirectly in prostitution, trafficking in minors, or any other activity that is illegal under Federal or local law. The determinations of whether a business is legitimate and to what extent, if any, it may require alien workers to supplement the resident workforce, shall be made by the Secretary of Homeland Security, in the Secretary's sole discretion.

“(B) If the Secretary of Labor determines that such an extension is necessary to ensure an adequate number of workers for legitimate businesses in the Commonwealth, the Secretary of Labor may, through notice published in the Federal Register, provide for an additional extension period of up to 5 years.

“(C) In making the determination of whether alien workers are necessary to ensure an adequate number of workers for legitimate businesses in the Commonwealth, and if so, the number of such workers that are necessary, the Secretary of Labor may consider, among other relevant factors—

“(i) government, industry, or independent workforce studies reporting on the need, or lack thereof, for alien workers in the Commonwealth's businesses;

“(ii) the unemployment rate of United States citizen workers residing in the Commonwealth;

“(iii) the unemployment rate of aliens in the Commonwealth who have been lawfully admitted for permanent residence;

“(iv) the number of unemployed alien workers in the Commonwealth;

“(v) any good faith efforts to locate, educate, train, or otherwise prepare United States citizen residents, lawful permanent residents, and unemployed alien workers already within the Commonwealth, to assume those jobs;

“(vi) any available evidence tending to show that United States citizen residents, lawful permanent residents, and unemployed alien workers already in the Commonwealth are not willing to accept jobs of the type offered;

“(vii) the extent to which admittance of alien workers will affect the compensation, benefits, and living standards of existing workers within those industries and other industries authorized to employ alien workers; and

“(viii) the prior use, if any, of alien workers to fill those industry jobs, and whether the industry requires alien workers to fill those jobs.

“(6) The Secretary of Homeland Security may authorize the admission of a spouse or minor child accompanying or following to

join a worker admitted pursuant to this subsection.

“(e) PERSONS LAWFULLY ADMITTED UNDER THE COMMONWEALTH IMMIGRATION LAW.—

“(1) PROHIBITION ON REMOVAL.—

“(A) IN GENERAL.—Subject to subparagraph (B), no alien who is lawfully present in the Commonwealth pursuant to the immigration laws of the Commonwealth on the transition program effective date shall be removed from the United States on the grounds that such alien's presence in the Commonwealth is in violation of section 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)), until the earlier of the date—

“(i) of the completion of the period of the alien's admission under the immigration laws of the Commonwealth; or

“(ii) that is 2 years after the transition program effective date.

“(B) LIMITATIONS.—Nothing in this subsection shall be construed to prevent or limit the removal under subparagraph 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)) of such an alien at any time, if the alien entered the Commonwealth after the date of the enactment of the Northern Mariana Islands Immigration, Security, and Labor Act, and the Secretary of Homeland Security has determined that the Government of the Commonwealth has violated section 103(i) of the Northern Mariana Islands Immigration, Security, and Labor Act.

“(2) EMPLOYMENT AUTHORIZATION.—An alien who is lawfully present and authorized to be employed in the Commonwealth pursuant to the immigration laws of the Commonwealth on the transition program effective date shall be considered authorized by the Secretary of Homeland Security to be employed in the Commonwealth until the earlier of the date—

“(A) of expiration of the alien's employment authorization under the immigration laws of the Commonwealth; or

“(B) that is 2 years after the transition program effective date.

“(3) REGISTRATION.—The Secretary of Homeland Security may require any alien present in the Commonwealth on or after the transition period effective date to register with the Secretary in such a manner, and according to such schedule, as he may in his discretion require. Paragraphs (1) and (2) of this subsection shall not apply to any alien who fails to comply with such registration requirement. Notwithstanding any other law, the Government of the Commonwealth shall provide to the Secretary all Commonwealth immigration records or other information that the Secretary deems necessary to assist the implementation of this paragraph or other provisions of the Northern Mariana Islands Immigration, Security, and Labor Act. Nothing in this paragraph shall modify or limit section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or other provision of the Immigration and Nationality Act relating to the registration of aliens.

“(4) REMOVABLE ALIENS.—Except as specifically provided in paragraph (1)(A) of this subsection, nothing in this subsection shall prohibit or limit the removal of any alien who is removable under the Immigration and Nationality Act.

“(5) PRIOR ORDERS OF REMOVAL.—The Secretary of Homeland Security may execute any administratively final order of exclusion, deportation or removal issued under authority of the immigration laws of the United States before, on, or after the transition period effective date, or under authority of the immigration laws of the Commonwealth before the transition period effective date, upon any subject of such order found in the Commonwealth on or after the transition period effective date, regardless whether the

alien has previously been removed from the United States or the Commonwealth pursuant to such order.

“(f) EFFECT ON OTHER LAWS.—The provisions of this section and of the immigration laws, as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)), shall, on the transition program effective date, supersede and replace all laws, provisions, or programs of the Commonwealth relating to the admission of aliens and the removal of aliens from the Commonwealth.

“(g) ACCRUAL OF TIME FOR PURPOSES OF SECTION 212(A)(9)(B) OF THE IMMIGRATION AND NATIONALITY ACT.—No time that an alien is present in the Commonwealth in violation of the immigration laws of the Commonwealth shall be counted for purposes of inadmissibility under section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)).

“(h) REPORT ON NONRESIDENT GUESTWORKER POPULATION.—The Secretary of the Interior, in consultation with the Secretary of Homeland Security, and the Governor of the Commonwealth, shall report to the Congress not later than 2 years after the date of the enactment of the Northern Mariana Islands Immigration, Security, and Labor Act. The report shall include—

“(1) the number of aliens residing in the Commonwealth;

“(2) a description of the legal status (under Federal law) of such aliens;

“(3) the number of years each alien has been residing in the Commonwealth;

“(4) the current and future requirements of the Commonwealth economy for an alien workforce; and

“(5) such recommendations to the Congress, as the Secretary may deem appropriate, related to whether or not the Congress should consider permitting lawfully admitted guest workers lawfully residing in the Commonwealth on such enactment date to apply for long-term status under the immigration and nationality laws of the United States.”.

(b) WAIVER OF REQUIREMENTS FOR NON-IMMIGRANT VISITORS.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 214(a)(1) (8 U.S.C. 1184(a)(1))—

(A) by striking “Guam” each place such term appears and inserting “Guam or the Commonwealth of the Northern Mariana Islands”; and

(B) by striking “fifteen” and inserting “45”;

(2) in section 212(a)(7)(B) (8 U.S.C. 1182(a)(7)(B)), by amending clause (iii) to read as follows:

“(iii) GUAM AND NORTHERN MARIANA ISLANDS VISA WAIVER.—For provision authorizing waiver of clause (i) in the case of visitors to Guam or the Commonwealth of the Northern Mariana Islands, see subsection (1).”; and

(3) by amending section 212(1) (8 U.S.C. 1182(1)) to read as follows:

“(1) GUAM AND NORTHERN MARIANA ISLANDS VISA WAIVER PROGRAM.—

“(1) IN GENERAL.—The requirement of subsection (a)(7)(B)(i) may be waived by the Secretary of Homeland Security, in the case of an alien applying for admission as a non-immigrant visitor for business or pleasure and solely for entry into and stay in Guam or the Commonwealth of the Northern Mariana Islands for a period not to exceed 45 days, if the Secretary of Homeland Security, after consultation with the Secretary of the Interior, the Secretary of State, the Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands, determines that—

“(A) an adequate arrival and departure control system has been developed in Guam

and the Commonwealth of the Northern Mariana Islands; and

“(B) such a waiver does not represent a threat to the welfare, safety, or security of the United States or its territories and commonwealths.

“(2) ALIEN WAIVER OF RIGHTS.—An alien may not be provided a waiver under this subsection unless the alien has waived any right—

“(A) to review or appeal under this Act an immigration officer's determination as to the admissibility of the alien at the port of entry into Guam or the Commonwealth of the Northern Mariana Islands; or

“(B) to contest, other than on the basis of an application for withholding of removal under section 241(b)(3) of this Act or under the Convention Against Torture, or an application for asylum if permitted under section 208, any action for removal of the alien.

“(3) REGULATIONS.—All necessary regulations to implement this subsection shall be promulgated by the Secretary of Homeland Security, in consultation with the Secretary of the Interior and the Secretary of State, on or before the 180th day after the date of the enactment of the Northern Mariana Islands Immigration, Security, and Labor Act. The promulgation of such regulations shall be considered a foreign affairs function for purposes of section 553(a) of title 5, United States Code. At a minimum, such regulations should include, but not necessarily be limited to—

“(A) a listing of all countries whose nationals may obtain the waiver also provided by this subsection, except that such regulations shall provide for a listing of any country from which the Commonwealth has received a significant economic benefit from the number of visitors for pleasure within the one-year period preceding the date of the enactment of the Northern Mariana Islands Immigration, Security, and Labor Act, unless the Secretary of Homeland Security determines that such country's inclusion on such list would represent a threat to the welfare, safety, or security of the United States or its territories; and

“(B) any bonding requirements for nationals of some or all of those countries who may present an increased risk of overstays or other potential problems, if different from such requirements otherwise provided by law for nonimmigrant visitors.

“(4) FACTORS.—In determining whether to grant or continue providing the waiver under this subsection to nationals of any country, the Secretary of Homeland Security, in consultation with the Secretary of the Interior and the Secretary of State, shall consider all factors that the Secretary deems relevant, including electronic travel authorizations, procedures for reporting lost and stolen passports, repatriation of aliens, rates of refusal for nonimmigrant visitor visas, overstays, exit systems, and information exchange.

“(5) SUSPENSION.—The Secretary of Homeland Security shall monitor the admission of nonimmigrant visitors to Guam and the Commonwealth of the Northern Mariana Islands under this subsection. If the Secretary determines that such admissions have resulted in an unacceptable number of visitors from a country remaining unlawfully in Guam or the Commonwealth of the Northern Mariana Islands, unlawfully obtaining entry to other parts of the United States, or seeking withholding of removal or asylum, or that visitors from a country pose a risk to law enforcement or security interests of Guam or the Commonwealth of the Northern Mariana Islands or of the United States (including the interest in the enforcement of the immigration laws of the United States), the Secretary shall suspend the admission of

nationals of such country under this subsection. The Secretary of Homeland Security may in the Secretary's discretion suspend the Guam and Northern Mariana Islands visa waiver program at any time, on a country-by-country basis, for other good cause.

“(6) ADDITION OF COUNTRIES.—The Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands may request the Secretary of the Interior and the Secretary of Homeland Security to add a particular country to the list of countries whose nationals may obtain the waiver provided by this subsection, and the Secretary of Homeland Security may grant such request after consultation with the Secretary of the Interior and the Secretary of State, and may promulgate regulations with respect to the inclusion of that country and any special requirements the Secretary of Homeland Security, in the Secretary's sole discretion, may impose prior to allowing nationals of that country to obtain the waiver provided by this subsection.”

(C) SPECIAL NONIMMIGRANT CATEGORIES FOR GUAM AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—The Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands (referred to in this subsection as “CNMI”) may request that the Secretary of Homeland Security study the feasibility of creating additional Guam or CNMI-only nonimmigrant visas to the extent that existing nonimmigrant visa categories under the Immigration and Nationality Act do not provide for the type of visitor, the duration of allowable visit, or other circumstance. The Secretary of Homeland Security may review such a request, and, after consultation with the Secretary of State and the Secretary of the Interior, shall issue a report to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives with respect to the feasibility of creating those additional Guam or CNMI-only visa categories. Consideration of such additional Guam or CNMI-only visa categories may include, but are not limited to, special nonimmigrant statuses for investors, students, and retirees, but shall not include nonimmigrant status for the purpose of employment in Guam or the CNMI.

(d) INSPECTION OF PERSONS ARRIVING FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS; GUAM AND NORTHERN MARIANA ISLANDS-ONLY VISAS NOT VALID FOR ENTRY INTO OTHER PARTS OF THE UNITED STATES.—Section 212(d)(7) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(7)) is amended by inserting “the Commonwealth of the Northern Mariana Islands,” after “Guam.”

(e) TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Governor of the Commonwealth, the Secretary of Labor, and the Secretary of Commerce, and as provided in the Interagency Agreements required to be negotiated under section 6(a)(4) of the Joint Resolution entitled “A Joint Resolution to approve the ‘Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America’, and for other purposes”, approved March 24, 1976 (Public Law 94-241), as added by subsection (a), shall provide—

(A) technical assistance and other support to the Commonwealth to identify opportunities for, and encourage diversification and growth of, the economy of the Commonwealth;

(B) technical assistance, including assistance in recruiting, training, and hiring of workers, to assist employers in the Commonwealth in securing employees first from

among United States citizens and nationals resident in the Commonwealth and if an adequate number of such workers are not available, from among legal permanent residents, including lawfully admissible citizens of the freely associated states; and

(C) technical assistance, including assistance to identify types of jobs needed, identify skills needed to fulfill such jobs, and assistance to Commonwealth educational entities to develop curricula for such job skills to include training teachers and students for such skills.

(2) CONSULTATION.—In providing such technical assistance under paragraph (1), the Secretaries shall—

(A) consult with the Government of the Commonwealth, local businesses, regional banks, educational institutions, and other experts in the economy of the Commonwealth; and

(B) assist in the development and implementation of a process to identify opportunities for and encourage diversification and growth of the economy of the Commonwealth and to identify and encourage opportunities to meet the labor needs of the Commonwealth.

(3) COST-SHARING.—For the provision of technical assistance or support under this paragraph (other than that required to pay the salaries and expenses of Federal personnel), the Secretary of the Interior shall require a non-Federal matching contribution of 10 percent.

(f) OPERATIONS.—

(1) ESTABLISHMENT.—At any time on and after the date of the enactment of this Act, the Attorney General, Secretary of Homeland Security, and the Secretary of Labor may establish and maintain offices and other operations in the Commonwealth for the purpose of carrying out duties under—

(A) the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) the transition program established under section 6 of the Joint Resolution entitled “A Joint Resolution to approve the ‘Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America’, and for other purposes”, approved March 24, 1976 (Public Law 94-241), as added by subsection (a) of this section.

(2) PERSONNEL.—To the maximum extent practicable and consistent with the satisfactory performance of assigned duties under applicable law, the Attorney General, Secretary of Homeland Security, and the Secretary of Labor shall recruit and hire personnel from among qualified United States citizens and national applicants residing in the Commonwealth to serve as staff in carrying out operations described in paragraph (1).

(g) CONFORMING AMENDMENTS TO PUBLIC LAW 94-241.—

(1) AMENDMENTS.—Public Law 94-241 is amended as follows:

(A) In section 503 of the covenant set forth in section 1, by striking subsection (a) and redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(B) By striking section 506 of the covenant set forth in section 1.

(C) In section 703(b) of the covenant set forth in section 1, by striking “quarantine, passport, immigration and naturalization” and inserting “quarantine and passport”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the transition program effective date described in section 6 of Public Law 94-241 (as added by subsection (a)).

(h) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than March 1 of the first year that is at least 2 full years after the date of the enactment of this title,

and annually thereafter, the President shall submit to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives a report that evaluates the overall effect of the transition program established under section 6 of the Joint Resolution entitled “A Joint Resolution to approve the ‘Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America’, and for other purposes”, approved March 24, 1976 (Public Law 94-241), as added by subsection (a) of this section, and the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the Commonwealth.

(2) CONTENTS.—In addition to other topics otherwise required to be included under this title or the amendments made by this title, each report submitted under paragraph (1) shall include a description of the efforts that have been undertaken during the period covered by the report to diversify and strengthen the local economy of the Commonwealth, including efforts to promote the Commonwealth as a tourist destination. The report by the President shall include an estimate for the numbers of nonimmigrant workers described under section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) necessary to avoid adverse economic effects in Guam and the Commonwealth.

(3) GAO REPORT.—The Government Accountability Office shall submit a report to the Congress not later than 2 years after the date of the enactment of this title, to include, at a minimum, the following items:

(A) An assessment of the implementation of this title and the amendments made by this title, including an assessment of the performance of Federal agencies and the Government of the Commonwealth in meeting congressional intent.

(B) An assessment of the short-term and long-term impacts of implementation of this title and the amendments made by this title on the economy of the Commonwealth, including its ability to obtain workers to supplement its resident workforce and to maintain access to its tourists and customers, and any effect on compliance with United States treaty obligations mandating non-refoulement for refugees.

(C) An assessment of the economic benefit of the investors “grandfathered” under subsection (c) of section 6 of the Joint Resolution entitled “A Joint Resolution to approve the ‘Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America’, and for other purposes”, approved March 24, 1976 (Public Law 94-241), as added by subsection (a) of this section, and the Commonwealth's ability to attract new investors after the date of the enactment of this title.

(D) An assessment of the number of illegal aliens in the Commonwealth, including any Federal and Commonwealth efforts to locate and repatriate them.

(4) REPORTS BY THE LOCAL GOVERNMENT.—The Governor of the Commonwealth may submit an annual report to the President on the implementation of this title, and the amendments made by this title, with recommendations for future changes. The President shall forward the Governor's report to the Congress with any Administration comment after an appropriate period of time for internal review, provided that nothing in this paragraph shall be construed to require the President to provide any legislative recommendation to the Congress.

(5) REPORT ON FEDERAL PERSONNEL AND RESOURCE REQUIREMENTS.—Not later than 180 days after the date of the enactment of this

Act, the Secretary of Homeland Security, after consulting with the Secretary of the Interior and other departments and agencies as may be deemed necessary, shall submit a report to the Committee on Natural Resources, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives, and to the Committee on Energy and Natural Resources, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate, on the current and planned levels of Transportation Security Administration, United States Customs and Border Protection, United States Immigration and Customs Enforcement, United States Citizenship and Immigration Services, and United States Coast Guard personnel and resources necessary for fulfilling mission requirements on Guam and the Commonwealth in a manner comparable to the level provided at other similar ports of entry in the United States. In fulfilling this reporting requirement, the Secretary shall consider and anticipate the increased requirements due to the proposed realignment of military forces on Guam and in the Commonwealth and growth in the tourism sector.

(i) **REQUIRED ACTIONS PRIOR TO TRANSITION PROGRAM EFFECTIVE DATE.**—During the period beginning on the date of the enactment of this Act and ending on the transition program effective date described in section 6 of Public Law 94-241 (as added by subsection (a)), the Government of the Commonwealth shall—

(1) not permit an increase in the total number of alien workers who are present in the Commonwealth as of the date of the enactment of this Act; and

(2) administer its nonrefoulement protection program—

(A) according to the terms and procedures set forth in the Memorandum of Agreement entered into between the Commonwealth of the Northern Mariana Islands and the United States Department of Interior, Office of Insular Affairs, executed on September 12, 2003 (which terms and procedures, including but not limited to funding by the Secretary of the Interior and performance by the Secretary of Homeland Security of the duties of “Protection Consultant” to the Commonwealth, shall have effect on and after the date of the enactment of this Act), as well as CNMI Public Law 13-61 and the Immigration Regulations Establishing a Procedural Mechanism for Persons Requesting Protection from Refoulement; and

(B) so as not to remove or otherwise effect the involuntary return of any alien whom the Protection Consultant has determined to be eligible for protection from persecution or torture.

(j) **CONFORMING AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.**—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 101(a)(15)(D)(ii), by inserting “or the Commonwealth of the Northern Mariana Islands” after “Guam” each time such term appears;

(2) in section 101(a)(36), by striking “and the Virgin Islands of the United States” and inserting “the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands”;

(3) in section 101(a)(38), by striking “and the Virgin Islands of the United States” and inserting “the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands”;

(4) in section 208, by adding at the end the following:

“(e) **COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**—The provisions of this section and section 209(b) of this Act shall

apply to persons physically present in the Commonwealth of the Northern Mariana Islands or arriving in the Commonwealth (whether or not at a designated port of arrival and including persons who are brought to the Commonwealth after having been interdicted in international or United States waters) only on or after January 1, 2014.”; and

(5) in section 235(b)(1), by adding at the end the following:

“(G) **COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**—Nothing in this subsection shall be construed to authorize or require any person described in section 208(e) of this Act to be permitted to apply for asylum under section 208 of this Act at any time before January 1, 2014.”

(k) **AVAILABILITY OF OTHER NONIMMIGRANT PROFESSIONALS.**—The requirements of section 212(m)(6)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(m)(6)(B)) shall not apply to a facility in Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands.

SEC. 104. FURTHER AMENDMENTS TO PUBLIC LAW 94-241.

Public Law 94-241, as amended, is further amended in section 4(c)(3) by striking the colon after “Marshall Islands” and inserting the following: “, except that \$200,000 in fiscal year 2009 and \$225,000 annually for fiscal years 2010 through 2018 are hereby rescinded; Provided, That the amount rescinded shall be increased by the same percentage as that of the annual salary and benefit adjustments for Members of Congress”.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

SEC. 106. EFFECTIVE DATE.

(a) **IN GENERAL.**—Except as specifically provided in this section or otherwise in this Act, this title and the amendments made by this title shall take effect on the date of the enactment of this title.

(b) **AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.**—The amendments to the Immigration and Nationality Act made by this Act, and other provisions of this Act applying the immigration laws (as defined in section 101(a)(17) of Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) to the Commonwealth, shall take effect on the transition program effective date described in section 6 of Public Law 94-241 (as added by section 103(a) of this Act), unless specifically provided otherwise in this Act.

(c) **CONSTRUCTION.**—Nothing in this Act or the amendments made by this Act shall be construed to make any residence or presence in the Commonwealth before the transition program effective date described in section 6 of Public Law 94-241 (as added by section 103(a) of this Act) residence or presence in the United States, except that, for the purpose only of determining whether an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))) has abandoned or lost such status by reason of absence from the United States, such alien's presence in the Commonwealth before, on, or after the date of the enactment of this Act shall be considered to be presence in the United States.

TITLE II—NORTHERN MARIANA ISLANDS DELEGATE ACT

SEC. 201. SHORT TITLE.

This title may be cited as the “Northern Mariana Islands Delegate Act”.

SEC. 202. DELEGATE TO HOUSE OF REPRESENTATIVES FROM COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

The Commonwealth of the Northern Mariana Islands shall be represented in the

United States Congress by the Resident Representative to the United States authorized by section 901 of the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (approved by Public Law 94-241 (48 U.S.C. 1801 et seq.)). The Resident Representative shall be a nonvoting Delegate to the House of Representatives, elected as provided in this title.

SEC. 203. ELECTION OF DELEGATE.

(a) **ELECTORS AND TIME OF ELECTION.**—The Delegate shall be elected—

(1) by the people qualified to vote for the popularly elected officials of the Commonwealth of the Northern Mariana Islands; and

(2) at the Federal general election of 2008 and at such Federal general election every 2d year thereafter.

(b) **MANNER OF ELECTION.**—

(1) **IN GENERAL.**—The Delegate shall be elected at large and by a plurality of the votes cast for the office of Delegate.

(2) **EFFECT OF ESTABLISHMENT OF PRIMARY ELECTIONS.**—Notwithstanding paragraph (1), if the Government of the Commonwealth of the Northern Mariana Islands, acting pursuant to legislation enacted in accordance with the Constitution of the Commonwealth of the Northern Mariana Islands, provides for primary elections for the election of the Delegate, the Delegate shall be elected by a majority of the votes cast in any general election for the office of Delegate for which such primary elections were held.

(c) **VACANCY.**—In case of a permanent vacancy in the office of Delegate, the office of Delegate shall remain vacant until a successor is elected and qualified.

(d) **COMMENCEMENT OF TERM.**—The term of the Delegate shall commence on the 3d day of January following the date of the election.

SEC. 204. QUALIFICATIONS FOR OFFICE OF DELEGATE.

To be eligible for the office of Delegate a candidate shall—

(1) be at least 25 years of age on the date of the election;

(2) have been a citizen of the United States for at least 7 years prior to the date of the election;

(3) be a resident and domiciliary of the Commonwealth of the Northern Mariana Islands for at least 7 years prior to the date of the election;

(4) be qualified to vote in the Commonwealth of the Northern Mariana Islands on the date of the election; and

(5) not be, on the date of the election, a candidate for any other office.

SEC. 205. DETERMINATION OF ELECTION PROCEDURE.

Acting pursuant to legislation enacted in accordance with the Constitution of the Commonwealth of the Northern Mariana Islands, the Government of the Commonwealth of the Northern Mariana Islands may determine the order of names on the ballot for election of Delegate, the method by which a special election to fill a permanent vacancy in the office of Delegate shall be conducted, the method by which ties between candidates for the office of Delegate shall be resolved, and all other matters of local application pertaining to the election and the office of Delegate not otherwise expressly provided for in this title.

SEC. 206. COMPENSATION, PRIVILEGES, AND IMMUNITIES.

Until the Rules of the House of Representatives are amended to provide otherwise, the Delegate from the Commonwealth of the Northern Mariana Islands shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives, and shall be entitled to whatever privileges and immunities are, or hereinafter may

be, granted to any other nonvoting Delegate to the House of Representatives.

SEC. 207. LACK OF EFFECT ON COVENANT.

No provision of this title shall be construed to alter, amend, or abrogate any provision of the covenant referred to in section 202 except section 901 of the covenant.

SEC. 208. DEFINITION.

For purposes of this title, the term "Delegate" means the Resident Representative referred to in section 202.

SEC. 209. CONFORMING AMENDMENTS REGARDING APPOINTMENTS TO MILITARY SERVICE ACADEMIES BY DELEGATE FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) UNITED STATES MILITARY ACADEMY.—Section 4342(a)(10) of title 10, United States Code, is amended by striking "resident representative" and inserting "Delegate in Congress".

(b) UNITED STATES NAVAL ACADEMY.—Section 6954(a)(10) of such title is amended by striking "resident representative" and inserting "Delegate in Congress".

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9342(a)(10) of such title is amended by striking "resident representative" and inserting "Delegate in Congress".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3079 is legislation which I introduced, along with Natural Resources Chairman NICK RAHALL, on July 18 of this year. The Insular Subcommittee held two hearings on the matters addressed in this bill.

The first, in April, was an oversight hearing on the current economic, social, and security conditions in the Northern Marianas. The second, in August, was a legislative field hearing held in the CNMI. It was the first time a congressional committee convened officially in the U.S. territory.

H.R. 3079 responds to a number of outstanding issues that have been a concern of this Congress, the people of the CNMI as well, and successive administrations beginning with President Reagan. It is no secret that beginning in the 1990s, the CNMI came under great criticism for its immigration policies which left the territory with a nationwide, if not also an international, reputation.

Undercover investigations by national media, reports by human rights organizations, complaints received from foreign governments, and a report issued by the former chairman and ranking member, GEORGE MILLER, de-

tailed a miscarriage of CNMI immigration policy which left foreign guest workers open to abuse by their employers.

Though congressional efforts to reform local immigration control throughout the 1990s were unsuccessful, Congress was able to establish a Federal ombudsman office in the islands to educate foreign guest workers of their rights under both Federal and local laws and to liaison between such populations and the CNMI government.

Today, national security is prominent to the argument to extend Federal immigration laws to the CNMI. Located just 40 miles to the south of the CNMI is Guam, her sister territory. As we know, since the end of World War II, Pacific islands have played a significant role in our strategy to secure our Nation. Most notable, however, amongst all such islands is Guam, as it is the home to many military bases.

Currently, an agreement between the U.S. and Japan would add \$15 billion to Guam's existing multi-billion-dollar military infrastructure and would relocate to the island the Third Marine Expeditionary Forces, comprising 8,000 active-duty soldiers, as well as the stationing of a Global Hawk surveillance unit, the establishment of a U.S. Army air defense battalion, and other operations critical to U.S. Naval regional presence.

Guam has been described by military officials as the "tip of the spear." As both Guam and the CNMI make up the Mariana Islands chain, if Guam is the "tip of the spear," then the CNMI is part of the same blade. If one would be interested in preserving national security, then you would want to support this legislation.

Lastly, this legislation would provide a nonvoting delegate for the only U.S. jurisdiction in our country without any form of representation in Congress. Similar legislation has been favorably reported by the Natural Resources Committee in three previous Congresses and received no further consideration by the House. It is time that we provide the same level of representation afforded to other U.S. territories.

In closing, H.R. 3079 is legislation necessary on several fronts. The bill would provide a stable immigration policy to rebuild the CNMI economy, augment current efforts to diversify and strengthen the future economy, increase the opportunities and skills of local residents to fill private sector employment needs, safeguard the existing foreign guest worker population from employer abuse, and secure the region in the interest of national security and give the CNMI representation in Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3079, as amended, has received much support from the Bush adminis-

tration, as well as the Northern Marianas elected resident representative, a Republican, Pedro Tenorio. Mr. Tenorio has worked hard to bring forth a bill which has consensus from both sides of the aisle.

This bill brings about unified border control and immigration to the Marianas region, which will benefit our national security. In addition, the bill will foster economic development on the islands by providing local businesses and the military with ready access to labor to support the tourist industry and military base construction.

I appreciate the assistance of our colleagues from the Judiciary Committee. I believe that their efforts have helped to improve the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I submit for the CONGRESSIONAL RECORD Chairman CONYERS' letter on behalf of the Judiciary Committee and Chairman RAHALL's letter on behalf of the Natural Resources Committee regarding this legislation.

DECEMBER 10, 2007.

Hon. NICK J. RAHALL II,
*Chairman, Committee on Natural Resources,
U.S. House of Representatives, Washington,
DC.*

DEAR CHAIRMAN RAHALL: This is to advise you that, as a result of your agreeing to make requested revisions to provisions in H.R. 3079, the Northern Mariana Islands Covenant Implementation Act, that fall within the rule X jurisdiction of the Committee on the Judiciary, we are able to waive any sequential referral of the bill to our committee in order that the bill may proceed without delay to the House floor for consideration.

The Judiciary Committee takes this action with the understanding that by foregoing consideration of H.R. 3079 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation. We also reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this important legislation, and request your support if such a request is made.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to this request, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, Jr.,
Chairman, Committee on the Judiciary.

DECEMBER 10, 2007.

Hon. JOHN CONYERS,
*Chairman, Committee on the Judiciary, Wash-
ington, DC.*

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding provisions of H.R. 3079, the Northern Marianas Islands Covenant Implementation Act, that fall within the jurisdiction of the Committee on the Judiciary. I appreciate your willingness to waive sequential referral of the bill so that it may proceed to the House floor for consideration without delay.

I understand that this waiver is not intended to prejudice any future jurisdictional claims over these provisions or similar language. I also understand that you reserve the right to seek to have conferees named from the Committee on the Judiciary on these provisions, and would support such a request if it were made.

This letter will be entered into the Congressional Record during consideration of H.R. 3079 on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL II,

Chairman, Committee on Natural Resources.

Mr. Speaker, at this time I would like to yield 5 minutes to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. I want to thank my good friend, the distinguished gentlewoman from the Virgin Islands, for her hard work on this legislation and for yielding me the time.

Mr. Speaker, I rise in full support of H.R. 3079. The bill represents a very important opportunity for this Congress to advance the political relationship between the United States and the Commonwealth of the Northern Mariana Islands and its U.S. citizens, to strengthen homeland security in the Western Pacific region, and to bring about needed economic and labor reforms for the benefit of both the people of Guam and the CNMI.

Mr. Speaker, I especially thank the chairwoman of the Subcommittee on Insular Affairs, Mrs. CHRISTENSEN, and the ranking member, Mr. FORTUÑO, as well as Chairman NICK RAHALL and Ranking Member DON YOUNG of the full committee, for working with me throughout this process to address concerns important to my constituents and my district. I also thank the chairman of the Committee on the Judiciary, Mr. CONYERS, and the Immigration Subcommittee chairwoman, ZOE LOFGREN, for the assistance that they have provided in addressing the bill's immigration provisions. I also want to thank my dear friend ENI FALEOMAVAEGA of American Samoa for his assistance.

Guam is geographically a part of the Mariana Islands chain, and we share, Mr. Speaker, a common Chamorro heritage and culture. The Northern Marianas is comprised of the 14 islands north of Guam, and Guam is the southernmost of the Mariana Islands. I have traveled to the Northern Marianas many times over the years and have witnessed our communities on Guam and the CNMI advance both politically and economically. I listened intently to the concerns and the views of the community during the subcommittee's hearing held on Saipan in August. Revisions were made to this bill based upon the input the subcommittee received at the hearings on Guam and Saipan this summer and from stakeholders in the weeks since those hearings.

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I want to highlight a few provisions important to Guam.

First is the establishment of a unified, regional visa waiver program for both Guam and the CNMI. This program is to be modeled off of the highly successful Guam-only visa waiver pro-

gram which Congress authorized in 1986. Our islands are marketed together in Asia as a regional destination, and a unified program makes sense from a homeland security and marketing viewpoint. Additionally, the bill allows for sufficient flexibility to expand participation under the program in future years.

Secondly, Mr. Speaker, the bill provides for important relief in terms of ability to authorize entry of temporary skilled and unskilled workers to Guam and the CNMI to meet the demands associated with the military buildup and economic growth in the civilian sector in the years ahead.

And finally, Mr. Speaker, I want to underscore my emphatic and strong support for title II of this bill, which would provide for representation for the people of the CNMI in this House of Congress. A delegate from the CNMI would help Congress respond to the needs and concerns of the people of the CNMI. A delegate or representative from the CNMI is in keeping with the traditions of this House of Congress and our American democratic form of government. A delegate from the CNMI would aid us in our work to legislate on matters affecting the CNMI and the insular areas. Up to this point, Mr. Speaker, I have been representing the CNMI. This is long overdue, and it's unfair. We have U.S. citizens living in a U.S. commonwealth without a voice in Congress.

So, I urge my colleagues to right this wrong, and I urge my colleagues to support this legislation.

Mr. BISHOP of Utah. Mr. Speaker, at this time I don't have anyone coming down to speak on the bill, but I anticipate they may. So, until the gentlelady is finished, I will continue to reserve my time.

Mrs. CHRISTENSEN. At this time, Mr. Speaker, I would like to yield 5 minutes to the former Chair and former ranking member of the Committee on Natural Resources, GEORGE MILLER.

Mr. GEORGE MILLER of California. I thank the gentlewoman for yielding, and I want to congratulate her on this legislation.

This is an important piece of legislation, and I'm delighted that we were able to work it out in the committee on a bipartisan basis. And I want to thank all of the Members on both sides of the aisle.

Since the early 1990s, I've tried to bring legislation to the floor of this Congress to reform the abusive labor practices and the broken immigration policies of the Commonwealth of the Northern Mariana Islands, an American territory in the Pacific.

I sought these changes so that we could put a stop to the well-documented and widespread abuse of poor men and women in the garment and tourism industry in the CNMI and to better secure America's borders. But for more than a decade, a lobbyist by the name of Jack Abramoff joined

then-Majority Leader Tom Delay and others here in Congress to block my reform efforts, even though they passed on a bipartisan basis in the Senate and in the Senate committee twice.

Ten years ago this month, in fact, Tom Delay visited the Mariana Islands and declared that our Federal reforms "had no future" as long as he was in control of the House of Representatives, but there is a new Congress in town. We have new Republican leadership and we have new Democratic leadership, and we're moving quickly under the leadership of the gentlewoman from the Virgin Islands to right the wrongs of the past.

Earlier this year, we raised the minimum wage across the country, and for the first time in almost a decade we gave the workers of the Northern Marianas a raise as well. Thanks to that minimum wage increase, workers in the Marianas make \$3.55 an hour, up from barely \$3 that workers were paid for these past years. And what's more, the minimum wage will continue to rise in the CNMI until their wage is equal to that of other American territories.

Today, my friend and committee colleague from the Virgin Islands has brought this legislation to the floor to fix the other long-standing problem in the CNMI. The broken local immigration program in the CNMI has allowed unscrupulous recruiters to exploit and abuse thousands of workers and their families, and it helped the CNMI's sweatshop-based economy to persist for decades. The legislation we are considering today brings the CNMI within the Federal immigration system so that we can put an end to that exploitation and abuse. The bill was drafted by the Bush administration and improved by the Natural Resources Committee.

I want to congratulate Chairman RAHALL and Chairwoman DONNA CHRISTENSEN for bringing this legislation to the floor. As I said earlier, I also want to thank Congressman CONYERS, the chairman of the Judiciary Committee, for helping to improve this. And I thank the cooperation of the Republicans, DON YOUNG, and the subcommittee of the Resources Committee.

Today, Jack Abramoff is in prison and Tom Delay has resigned in disgrace. And today we pass a bill that restores the human rights to those individuals working in the CNMI. And today we strengthen the borders of America.

With these two pieces of legislation soon to become law, the minimum wage, which is already the law, and this legislation, to repair the immigration, I think now we can comfortably consider and support the notion of a delegate from the CNMI to the Congress. And I want to thank the gentlewoman for her persistence, the gentlewoman from Guam, and the gentleman from American Samoa for that effort. As they know, this is legislation that I have been deeply concerned about for a

very, very long time that unfortunately brought about a lot of bad practices in the CNMI. But I am convinced with this legislation that we're doing the right thing, and we can open a new chapter, hopefully, of economic prosperity and of representation for the CNMI in the Congress of the United States.

And again, I thank the gentlewoman very much for your tireless effort on this legislation.

Mrs. CHRISTENSEN. Thank you, Chairman MILLER.

Mr. Speaker, might I inquire as to how much time remains?

The SPEAKER pro tempore. The gentlewoman has 8 minutes remaining.

Mrs. CHRISTENSEN. Mr. Speaker, at this time, I yield 5 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. I want to thank the gentlelady from the Virgin Islands, our distinguished chairman of our Insular Affairs Subcommittee, Mrs. CHRISTENSEN, for allowing me to speak concerning this legislation.

Mr. Speaker, I rise in full support of H.R. 3079, and I want to commend the chairman of our committee, Mr. NICK RAHALL, and also the chairlady of our Insular Affairs Subcommittee, Mrs. DONNA CHRISTENSEN, for their leadership and service, and above all, their commitment and willingness to go through some of the provisions in the bill which I have concerns with.

Mr. Speaker, I also want to thank the gentleman, former chairman of the Natural Resources Committee and now chairman of our Education and Labor Committee, the gentleman from California, my good friend, Mr. MILLER, not only for his leadership, but throughout the years that he has been very diligent in bringing attention to our colleagues and our Nation about the serious problems involving the situation there in the Northern Mariana Islands.

I recall distinctly that because of the violations of Federal labor laws, the garment factories that were instituted by this one gentleman that was fined by some \$9 million, just to show without even questioning or even taking the matter to court some of the problems that we had faced within the CNMI.

Mr. Speaker, I support the concerns of the administration and House Members supporting the bill, but we should also be mindful that there is a GAO study currently under way in reviewing CNMI's immigration problems that hopefully will shed more light on the current situation in CNMI. It is my sincere hope that the GAO study will give us more information on CNMI's overall economic and political development, and the bill we're about to pass will complement the findings of the GAO report that will be completed in the near future.

Mr. Speaker, we ought not to put the blame on the current administration,

Governor Ben Fitial, for the failures and misdeeds of his predecessors. Since becoming Governor of CNMI, Governor Fitial has addressed several concerns that had plagued previous administrations. For example, with the closures of most of the government factories in CNMI, the number of alien guest workers has declined from its peak of about 30,000 now to about 20,000 by the end of this year. This will further decrease to about 15,000 by next year.

Governor Fitial has instituted an effective and fair system for handling complaints by alien guest workers. The new system implemented by the Governor has eliminated a backlog of some 3,400 pending labor cases carried over from previous administrations.

Under Governor Fitial's administration, the CNMI Government has implemented a new computerized system for tracking arrivals and departures of alien guest workers, leading to a more effective control of CNMI's immigration problems.

I am especially pleased, Mr. Speaker, for the removal of a certain provision that would have legalized the status of illegal overstayers in CNMI. I want to thank Chairman RAHALL, Chairwoman CHRISTENSEN and Ranking Member DON YOUNG for the spirit of bipartisanship that has authorized CNMI to also have a delegate in the U.S. Congress, as stated in the bill. I cannot stress enough the importance of the unique political relationship between the United States and CNMI, especially in the interest of our national security. The significance of this political relationship has elevated since the closures of the Clarke Air Force Base and our Naval Base in Subic Bay in the Philippines.

I cannot help but mention the name of the late Congressman Phil Burton, Mr. Speaker, who played a most critical role in the development of this unique political relationship between CNMI and the United States. Furthermore, the pending transfer of some 9,000 U.S. marines and their families from Okinawa to Guam, and likely also to CNMI, has made this relationship even more critical and important to our strategic and military interests in this region of the world.

Overall, we have a very important military interest in these islands, and our Nation is grateful that Guam and CNMI are members of our American family.

I urge my colleagues to support this legislation.

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 3079 is supported by the administration and also received bipartisan support during consideration by the Natural Resources Committee. In addition, since reporting the measure, our committee has worked very closely with the House Judiciary Committee, as you've heard, to address other concerns.

I want to take this opportunity to thank Chairman RAHALL for making this issue a priority at the start of this

Congress, as well as thank our ranking member, Mr. YOUNG. And we appreciate the collaboration of our colleagues on the Judiciary Committee, Chairman CONYERS, Ranking Member SMITH and Subcommittee Chairman LOFGREN and Ranking Member KING, as well as the Judiciary Committee staff.

At this time, Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I understand that we have another speaker who wishes to come here, so I appreciate this opportunity just to say a short word on behalf of this bill. And I appreciate the many speakers who have spoken already who have spoken to the bipartisan nature in which this bill has proceeded.

At this time, I think we need to thank the Judiciary Committee, and I believe the chairman wishes to say something about this particular bill, for the way in which they've worked in a bipartisan way. I am also very grateful to be a part of the Natural Resources Committee, which I think has worked in a bipartisan way to present this bill.

I have to admit that the only thing that would really make me happier is if we were discussing this bill in October rather than this close to Christmas. But other than that, I am very much appreciative of those people who worked for this bill, especially the administration, who is supportive of it, and the resident representative from this particular area.

I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the Speaker and the leaders, the floor managers on this provision. I want to thank first of all the ranking member, LAMAR SMITH; the Chair of the Immigration Subcommittee on the Judiciary Committee, ZOE LOFGREN; and in particular, my friend, Chairman NICK RAHALL of the Natural Resources Committee because we have all worked together in making important refinements to the bill. There was a great deal of cooperation.

As it is now clear, what we are dealing with now is the fact that the minimum wage question, the immigration standards, and the taxes to the islands are of great consequence. I commend all of my colleagues here this afternoon for the tremendous work that has occurred.

Labor unions and human rights groups have long called attention to these abuses. And both the Clinton and Bush administration Justice Departments have brought prosecutions under the 13th amendment.

I do also want to commend this administration for the excellent work they have done in this regard.

The decision in the 1976 Covenant establishing the Commonwealth of the Northern Mariana Islands to leave decisions on minimum wages, immigration standards, and

taxes to the Islands has had tragic consequences.

Wide-open guestworker programs, and utter lack of basic labor protections, turned the Northern Marianas into a haven for sweatshops. But modern slavery didn't just occur by day, in the garment factories. It also occurred by night, as cruel brothel owners used deceit and brutality to gratify the demand for prostitutes.

Labor unions and human rights groups have long called attention to these abuses, and both the Clinton and Bush Administration Justice Departments have brought prosecutions under the Thirteenth Amendment against some of the most notorious offenders. But these efforts have been blunted at every turn by the factory owners and their high-paid lobbyists.

A more fundamental effort is clearly needed, and long overdue, and this legislation will finally provide it. It brings the Commonwealth under the Immigration and Nationality Act, with a balanced approach that will help the Islands through the transition. Workers in the Islands will no longer be kept in the shadows, where they have been too readily prey to abuse.

We can see how this effort is already having a result. Just this weekend on Saipan, as many as 15,000 workers and their supporters marched for unity and justice. Fifteen thousand marched on an island of only 60,000 people. We owe it to them to act.

The fundamental immigration policy and human freedom issues at stake are of obvious importance to the Judiciary Committee, and I deeply appreciate the openness of the Natural Resources Committee, under the leadership of Chairman RAHALL, in working with us on important refinements to the bill.

Immigration Subcommittee Chair ZOE LOFGREN and I have also had tremendous help from Ranking Member LAMAR SMITH, in making these improvements in a bipartisan fashion. Finally, I would like to thank the Administration for its constructive role in bringing us to this point.

Ms. ZOE LOFGREN of California. Mr. Speaker, H.R. 3079 would apply the Nation's immigration laws to the Commonwealth of the Northern Mariana Islands (CNMI). For too long, the CNMI has managed its own immigration system outside of the constraints and protections of Federal law. The result has been a massive influx of exploited workers and victims of human trafficking, with concomitant increases in sex slavery and other abusive labor practices.

Recent investigations and prosecutions have uncovered terrible stories of enslavement and forced labor. Thousands of young women and girls lured to the CNMI with promises of good jobs with good pay only to be enslaved and forced into prostitution. Others forced to toil in harsh conditions and for little money in garment sweatshops, made profitable by their ability to exploit cheap labor yet still use the "Made in the USA" label.

And to understand the depth of the problem, one only has to look at the statistics. For years, foreign workers have actually outnumbered the indigenous population. It is like the United States bringing in over 300 million foreign workers to the mainland, without giving them any rights or protections.

We have known about these problems since the 1990s, but we have done nothing about them. It is time to change that. H.R. 3079

would extend the protections of the country's immigration laws to the CNMI, using a balanced approach that takes into account the CNMI's vulnerable economy as well as past abuses. It would reign in the islands' lax immigration policies while appropriately considering the labor needs of legitimate businesses. It would also provide for a regional visa waiver program along with Guam, which would provide both increased security and the tourists needed to help sustain the economies of both territories.

This bill is strongly needed to break from the abuses of the past. It is backed by the Administration, and it has bipartisan support in the House and Senate.

I want to thank Chairman RAHALL of the Natural Resources Committee and Chairwoman CHRISTENSEN of the Subcommittee on Insular Affairs for caring deeply about this issue and shepherding this bill through Congress. I also want to thank Chairman CONYERS for his leadership, as well as Mr. LAMAR SMITH, the ranking member of the Judiciary Committee, for working with us in a bipartisan fashion to improve the bill. I urge its passage.

Mr. RAHALL. Mr. Speaker, I rise in strong support of H.R. 3079, a bill which would extend U.S. immigration laws to the Commonwealth of the Northern Mariana Islands and also authorize a non-voting Delegate from the Northern Marianas to the U.S. House of Representatives.

At the start of the 110th Congress, as the Chairman of the Natural Resources Committee, I set out an agenda which included revisiting the CNMI's control and enforcement over immigration policy. Many in this House will recall that for at least two decades, our government and this Congress expressed our concerns with how immigration policy in the CNMI was envisioned and implemented.

When the Northern Marianas was transitioned from being a trust territory of the United Nations to a U.S. territory under our stars and stripes, temporary control over immigration and minimum wage laws were placed in the hands of the new local government. This was done in light of their small, mostly indigenous, population and their undeveloped economy. Their control was never meant to be a permanent fixture of their government.

Throughout the 1990s the CNMI economy grew by taking advantage of its control over immigration and wage policy. A garment industry, much of it owned by nationals of China, saw fit to make the CNMI their new home. In so doing, the industry was able to fill practically every position in their operations with a foreign worker at a minimal cost to their operations.

In 2000, garment exports from the CNMI to the U.S. were estimated to be worth about \$1 billion annually. To support this industry, the U.S. Census estimated the foreign guest worker population at 40,000 outnumbering the local population by at least 10,000 and because of lax protections of foreign guest workers under CNMI law many were subject to abuses by their employers. Much of this abuse had been documented by our national media, human rights organizations, and our Committee's former Chairman GEORGE MILLER.

In that decade of the 90s and into the 21st century, despite the clear need to reform the system in the CNMI, any attempts at extending U.S. immigration law or minimum wage laws were met with resistance in Congress.

I loathe thinking that Members of this body would want such a system to flourish. Or that anyone would view what occurred in the CNMI as an economic experiment, grown in a "petri dish" because of the CNMI's distance and relative isolation from the U.S. mainland.

Mr. Speaker, with the enactment of H.R. 3079, the dismal and degrading decade of the 90's will be put to rest—never to repeat itself again.

H.R. 3079 would also authorize a non-voting Delegate from the CNMI to be a Member of the House of Representatives. In previous Congresses, similar legislation has passed the Natural Resources Committee more than once and with broad bipartisan support. This goodwill and collaboration has continued in this Congress with the inclusion of the Northern Mariana Island Delegate Act as Title II of H.R. 3079.

Mr. Speaker, I commend the gentle lady from the Virgin Islands, Mrs. CHRISTENSEN, for her leadership throughout this process. As the chairman of Subcommittee on Insular Affairs, she took on this very complex issue at the start of this Congress. Her Subcommittee has been very active on this issue and made every attempt to address concerns raised by different interests in the CNMI before bringing this legislation to the Floor.

I would also like to thank the leadership of the Judiciary Committee who collaborated with us on this legislation. We do appreciate their involvement with this bill and their constructive input as we prepared to have it considered under the suspension calendar.

I support H.R. 3079 and urge its passage.

Mr. BISHOP of Utah. Having no other speakers on our side, I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time and I urge my colleagues to pass H.R. 3079.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 3079, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the joint resolution that approved the covenant establishing the Commonwealth of the Northern Mariana Islands, and for other purposes".

A motion to reconsider was laid on the table.

□ 1230

SAN GABRIEL BASIN RESTORATION FUND AUTHORIZATION ACT

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 123) to authorize appropriations for the San Gabriel Basin Restoration Fund, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 123

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,